

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
Barbara Vivian Bailey) Case No: 2:06CR35-4
Date of Previous Judgment: 6/7/07) USM No: 21868-058
(Use Date of Last Amended Judgment if Applicable)) Claire Rauscher
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Offense Level: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): The defendant is not eligible for a reduction as she was not held responsible for a quantity of crack cocaine.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 6/7/07 shall remain in effect.

IT IS SO ORDERED.

Order Date: February 6, 2009

Effective Date: _____
(if different from order date)

Franklin

Lacy H. Thornburg
United States District Judge

